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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/291,071	04/14/1999	MASAHITO NIIKAWA	032567010	1642

21839 7590 07/02/2003

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EXAMINER

HANNETT, JAMES M

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/291,071

Applicant(s)

NIIKAWA, MASAHIRO

Examiner

James M Hannett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION***Response to Arguments***

Applicant's arguments filed 5/9/2003 have been fully considered but they are not persuasive. The argument that Bullock et al does not teach the use of a button for sending a power off instruction to a camera and then minimizing a window upon Power down is not persuasive. Bullock teaches that in order for the window to be active and displaying information power needs to be supplied to the viewfinder and the camera. Therefore, when the power to the camera is turned off by the power off switch the window would no longer display the image and would therefore, be minimized.

As for the arguments pertaining to Claims 7, 8, and 13 the examiner views the action of pressing button (177), which performs the act of capturing an image as the claimed statement of setting the image capturing device into photographing mode.

The applicant has amended claims 1, 6, and 12 to state that the number of pixels displayed on the monitor is the same number of pixels captured by the imager or CCD. The applicant states that the CCD of the given embodiment has a resolution of 640x480 pixels, which is the same resolution of the display, therefore, no interpolation or line mixing is required. However, it was well know in the art at the time the invention was made for digital cameras to employ image sensors with a multitude of different resolutions. Therefore, line thinning and interpolation circuits would be needed in order to convert the output of the image sensor into the same resolution of the display in order to properly display the image data. It would have been obvious to one of ordinary skill in the art at the time the invention was made that if they were to

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use an image sensor that had the same resolution as the display no data modification would be needed and the data would be displayed with the same number of pixels as it was captured.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1: Claims 7, 8, and 13 rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5,675,358 Bullock et al.

2: As for Claim 7, Bullock et al depicts in Figure 1 a photographing apparatus (118) and an image processing apparatus (100) connected together (117). Bullock et al teaches on Column 5, Lines 15-19 the use of mode setting switches for setting a photographing mode of an image capture device. Bullock et al depicts in Figures 1 and 5 and teaches on Column 5, Lines 8-28 the use of a display for displaying an indicator (177) through which an instruction for a photographing action is transmitted to an image capture device. Bullock et al teaches on Column 5, Lines 49-54 that the computer program or controller displays a photographed image display window on the monitor after the photographing mode has been set and the object is photographed by the camera in response to an instruction from the indicator (177).

3: In regards to Claim 8, Bullock et al teaches on Column 5, Lines 15-19 the use of mode setting switches for setting a photographing mode of an image capture device. Bullock et al depicts in Figures 1 and 5 and teaches on Column 5, Lines 8-28 the use of a display for displaying an indicator (177) through which an instruction for a photographing action is

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transmitted to an image capture device. Bullock et al teaches on Column 5, Lines 49-54 that the computer program or controller displays a photographed image display window on the monitor after the photographing mode has been set and the object is photographed by the camera in response to an instruction from the indicator (177).

4: As for Claim 13, Bullock et al depicts in Figure 1 a photographing apparatus (118) and an image processing apparatus (100) connected together (117). Bullock et al teaches on Column 5, Lines 15-19 the use of mode setting switches for setting a photographing mode of an image capture device. Bullock et al depicts in Figures 1 and 5 and teaches on Column 5, Lines 8-28 the use of a display for displaying an indicator (177) through which an instruction for a photographing action is transmitted to an image capture device. Bullock et al teaches on Column 5, Lines 49-54 that the computer program or controller displays a photographed image display window on the monitor after the photographing mode has been set and the object is photographed by the camera in response to an instruction from the indicator (177).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5: Claims 1, 2, 6, and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,675,358 Bullock et al.

6: As for Claim 1, Bullock et al depicts in Figure 1 a photographing apparatus (118) and an image processing apparatus (100) connected together (117). Bullock et al teaches in the abstract

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that the camera transmits the image data presently seen by a camera to the capture device window of a computer before the object is actually photographed. It is inherent in the design of the computer of Bullock et al to include a receiver to receive data being transferred from the camera through connection (117). Bullock et al teaches on Column 3, Lines 1-10 that the computer receives the image data transmitted from the camera. Bullock et al teaches that a display displays the transmitted image data received by the computer from the camera.

Bullock et al does not teach that the displayed photographed image data is displayed with the same number of pixels captured by the photographing apparatus. The CCD of the given embodiment has a resolution which is the same resolution of the display. Therefore, no interpolation or line mixing is required.

Official notice is taken that it was well known in the art at the time the invention was made for digital cameras to employ image sensors with a multitude of different resolutions. Therefore, line thinning and interpolation circuits would be needed in order to convert the output of the image sensor into the same resolution of the display in order to properly display the image data.

Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to use an image sensor that had the same resolution as the display so that no data modification, interpolation or line thinning would be needed and the data would be displayed with the same number of pixels as it was captured.

7: As for Claim 2, Bullock et al teaches on Column 5, Lines 10-32 that the capture device window includes several control buttons used to set parameters of the image data.

8: In regards to Claim 6, Claim 6 is rejected for reasons discussed in Claim 1, Since Claim 6 is substantively equivalent to Claim 1.

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9: In regards to Claim 12, Bullock et al depicts in Figure 1 a photographing apparatus (118) and an image processing apparatus (100) connected together (117). Bullock et al teaches in the abstract that the camera transmits the image data presently seen by a camera to the capture device window of a computer before the object is actually photographed. Bullock et al teaches on Column 3, Lines 1-10 that the computer receives the image data transmitted from the camera. Bullock et al teaches that a display displays the transmitted image data received by the computer from the camera.

Bullock et al does not teach that the displayed photographed image data is displayed with the same number of pixels captured by the photographing apparatus. The CCD of the given embodiment has a resolution which is the same resolution of the display. Therefore, no interpolation or line mixing is required.

Official notice is taken that it was well know in the art at the time the invention was made for digital cameras to employ image sensors with a multitude of different resolutions. Therefore, line thinning and interpolation circuits would be needed in order to convert the output of the image sensor into the same resolution of the display in order to properly display the image data.

Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to use an image sensor that had the same resolution as the display so that no data modification, interpolation or line thinning would be needed and the data would be displayed with the same number of pixels as it was captured.

10: Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,675,358 Bullock et al in view of USPN 5,999,213 Tsushima et al.

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11: In regards to Claim 3 and 4, Bullock et al teaches the claimed invention as discussed in Claim 2. Bullock et al teaches the use of setting correction parameters pertaining to parameters of image data.

Bullock et al does not teach that the correction parameters can be color-adjusting parameters to adjust levels of Red, Green, and Blue. Bullock et al does not teach that the correction parameters can be white balance adjusting.

Tsushima et al teaches the use of a method and apparatus for setting up a video camera. Tsushima et al depicts in Figure 59 the use of enabling a program on a computer with a window that allows a user to setup and correct color parameters levels of Red, Green, and Blue, and perform White Balance adjusting.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to enable the invention of Bullock et al with the ability to adjust RGB Color Levels and perform white balance adjustments as taught by Tsushima et al so that a user could better setup a camera connected to a computer to allow for a more complete setup of a camera before an image is captured.

12: Claims 9, 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,675,358 Bullock et al in view of USPN 5,999,213 Tsushima et al.

13: As for Claim 9, Bullock et al depicts in Figure 1 a photographing apparatus (118) and an image processing apparatus (100) connected together (117). Bullock et al teaches the use of an interface for connecting an image processing apparatus to a camera. Bullock et al depicts in Figure 4 a display for displaying an indicator for transmitting a power-off instruction to a camera in order to turn off the power source of the camera. Bullock et al teaches on Column 9, Lines 7-

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44 and Column 5, Lines 8-27 the use of a controller for minimizing a display window when the power-off instruction has been transmitted from the indicator displayed on the display.

Bullock et al does not teaches the use of showing a picture of the photographing apparatus in the display window, However, Bullock et al does show a display window for displaying an image taken by a camera.

Tsushima et al teaches a method and apparatus for setting up a video camera. Tsushima et al depicts in Figure 7 a display window that enables a user to view the network structure including pictures of all the video cameras connected to the computer.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to enable the control program of Bullock et al with the display window of Tsushima et al so that a user could see the network structure and more easily determine which cameras are connected to the computer.

14: As for Claim 11, Claim 11 is rejected for reasons discussed in Claim 9, Since Claim 11 is substantively equivalent to Claim 9.

15: In regards to Claim 14, Bullock et al depicts in Figure 4 a display for displaying an indicator for transmitting a power-off instruction to a camera in order to turn off the power source of the camera. Bullock et al teaches on Column 9, Lines 7-25 the use of a controller for minimizing a display window when a power-off instruction has been transmitted from the indicator displayed on the display.

Bullock et al does not teaches the use of showing a picture of the photographing apparatus connected to a computer.

Tsushima et al teaches a method and apparatus for setting up a video camera. Tsushima et al depicts in Figure 7 a display window that enables a user to view the network structure including pictures of all the video cameras connected to the computer.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to enable the control program of Bullock et al with the display window of Tsushima et al so that a user could see the network structure and more easily determine which cameras are connected to the computer.

16: Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,675,358 Bullock et al.

17: In regards to Claim 10, Bullock et al does not teach the method of closing the window showing the camera when the camera is disconnected from the computer.

Official notice is taken that it was well know in the art at the time the invention was made to alert a user on a network when a computer sensed a peripheral had been disconnected from the network. Furthermore, it was well known in the art at the time the invention was made for a program showing network structure to stop showing devices connected to the network when those devices were disconnected. Furthermore, if the camera became disconnected from the computer there would be no need for the window to be open until the camera became reconnected. A user would have no need for the window to be open and would therefore, manually close the window.

Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to enable the window to be closed automatically when the camera was disconnected from the computer.

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18: Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,675,358 Bullock et al in view USPN 5,479,206 Ueno et al.

19: As for Claim 5, Bullock et al on view of official notice teaches the claimed invention as discussed above related to Claim 1.

Bullock et al does not teach that the camera can create first image data and second image data having less pixels than the first image data, and the display displays the second image data in an enlarged size.

Ueno et al teaches in the abstract that when a preview-image command is applied to an electronic camera from a computer, first image data from the camera is reduced by eliminating pixels in a thinning-out circuit. Ueno et al teaches that the new reduced second image data is transmitted from the camera to the computer, where the data is displayed on the display as a preview image. Ueno et al teaches in the abstract that the reduced image data is displayed at a desired magnification on the display window.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to enable the camera of Bullock et al with the preview image command of Ueno et al in order to enable the display to display the image at a desired magnification.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 6,005,613 Endsley et al teaches the use of a CCD image sensor (20) that has a resolution of 640X480 Pixels See Figure 1.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

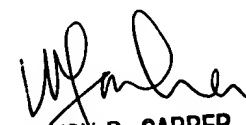
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hannett whose telephone number is 703-305-7880. The examiner can normally be reached on 8:00 am to 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-842-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is 703-308-6789.

James Hannett
Examiner
Art Unit 2612

JMH
June 23, 2003


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600